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June 13, 2002

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Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerard F. Barry
Ganesh M. Kishore
Stephen R. Padgett
William C. Stallings

Serial No.: 09/464,099

Filed: December 16, 1999

For: GLYPHOSATE-TOLERANT 5-
ENOLPYRUVYLSHIKIMATE-3-
PHOSPHATE SYNTHASE

Group Art Unit: 1644

Examiner: G. Ewoldt

Atty. Dkt. No.: 11899.0175.DVUS01
(MOBT:175--2)

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**AMENDMENT AND REMARKS IN RESPONSE
TO OFFICE ACTION DATED DECEMBER 21, 2001**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated December 21, 2001, Applicants submit the following amendment and remarks.

I. Amendment

Please cancel claims 100 and 101.

II. Restriction Requirement

In response to the restriction requirement, applicants elect Group I, claims 100-104 and 107, without traverse. Upon entry of the above amendment, the remaining claims of that Group are 102-104 and 107.

III. Species Election

In response to the requirement to elect a specific 5-enolpyruvylshikimate-3-phosphate synthase enzyme sequence, applicants elect SEQ ID NO. 70. Claims 102-104 and 107 involve SEQ ID NO. 70.

* * *

A request for a three-month extension of time and authorization to charge Deposit Account No. 01-2508/11899.0175.DVUS01 for the associated fees is filed with this Response. It is believed that no other fee is due; however, should any other fees be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from our Deposit Account No. 01-2508/11899.0175.DVUS01.

The Examiner is invited to contact the undersigned attorney at (713) 787-1686 with any comments relating to this application.

Respectfully submitted,



Janelle D. Waack
Reg. No. 36,300

Attorney for Assignee

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Date: June 13, 2002